

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NEW YORKERS FOR RELIGIOUS LIBERTY, INC., :
et al., :
: Plaintiffs, : Case No. 1:22-cv-00752
- against - :
: THE CITY OF NEW YORK et al., :
: Defendants. :
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DECLARATION OF LIZ DELGADO

LIZ DELGADO, declares as follows, pursuant to 28 U.S.C. § 1746:

1. My name is Liz Delgado, and I am a plaintiff in the above-referenced case.
2. I live in Staten Island, New York, and have been employed by the New York City Department of Investigation (“DOI”) as an Administrative Assistant since 2017. Prior to working at DOI, I worked in the investigation unit with the Department of Corrections, and also worked at the Department for the Aging for 12 years. I have been a New York City employee for over 30 years.
3. I respectfully submit this Declaration in support of Plaintiffs’ Motion for a Preliminary Injunction and Application for a Temporary Restraining Order.
4. I know the facts stated herein to be true based upon my personal knowledge, except for statements which are made on information and belief, and as to those, I verily believe them.

Religious Background

5. I was raised Catholic, and my faith has always been very important to me. As a child, I completed all my Sacraments, attended church every Sunday, and brought communion

with my aunt and uncle to the homes of the sick that were not able to attend church services.

As a teenager, I attended weekly Bible studies, retreats, and prayer meetings.

6. My faith remains central to my life. I pray throughout each day and believe my thoughts are constant and direct communication with God. I attend St. Clare's church regularly, and, while I have not attended services in person since the pandemic, I watch worship services online weekly. My faith has grown stronger because of my daily study and prayer.
7. My faith has impacted my medical decisions for decades. I was diagnosed with breast cancer at 34 years old, and it was my faith and the leading of God that helped me get diagnosed. I saw multiple doctors who dismissed my fears, but because I knew God was telling me that something was wrong, I sought second and third opinions until I received a diagnosis. I prayed at every chemotherapy session, radiation appointment, and surgery that God would heal me.
8. After recovering from cancer, I turned to holistic medicine, because I realized that the best way to honor my body as God's temple is to treat myself as that temple. I avoid anything that God leads me to believe would defile my body and thereby my soul. I have rejected other medical treatments, such as a treatment for osteoporosis, because of this same belief.

Religious Objections to Vaccination

9. My faith impacts every part of my life and I turn to the Bible for the major decisions in my life because it gives me strength and affirmation of the Word of God.
10. Living according to the teachings of the Bible is central to true devotion and worship. (Joshua 1:7–8; 2 Kings 17:13; 22:8–13).
11. I turn to the Bible for many of life's major decisions, including decisions regarding

immunization.

12. God commands in 1 Corinthians 2:5 that faith shall not “rest on human wisdom but on the power of God.” I believe the vaccines are part of human wisdom, and that taking the vaccine is showing that I do not trust God.
13. Proverbs 30:5 says, “Every word of God is pure: He is a shield unto them that put their trust in Him.” That means God’s word is honest and true. As long as I trust Him, He will shield me from harms including disease. Therefore, I do not need vaccines.
14. To trust in the creations of man rather than the pure word of God is to turn my back on Him and tarnish my relationship with God. I cannot do that.
15. 1 Corinthians 6:19 says, “Do you know that your body is a temple of the Holy Spirit, who is in you, whom you have received from God? You are not your own. That God is in you. That he is our healer.” Our bodies are a temple of God, created in His image, and subject to His powers that lie within us. God is our healer. See 1 Corinthians 2:5 (“So that your faith might not rest on human wisdom but on the power of God”).
16. I feel that if I trust in the immunization process, rather than the healing powers of God, I disconnect from my faith. I cannot call myself faithful to God without a 100 percent commitment of trust and faith.
17. When I encounter a disease for which there is a vaccine, I depend on the body that God perfectly created to do what He designed it to do. I also spend a lot of time in prayer, and I consider what would be best for my body without contaminating the holiness of my temple. Either way, the Lord leads me in my decision of how to treat my body and live my life.

18. My faith that God will shield me has led me to reject all other vaccinations for the past 25-30 years. I do not receive the flu, shingles, or pneumonia vaccine, and God has kept me free of those diseases.

Agency Religious Exemption Procedure

19. On October 22, 2021, I submitted my request for a religious exemption to the DOI.

20. A copy of the documentation I submitted, as well as the confirmation email, is attached as Exhibit A.

21. I participated in a phone call with DOI employees on October 28, 2021. They asked who my religious leader was, and I responded that Jesus is my leader. They asked if I ever denied any treatments. I responded that I have denied treatments when God has revealed to me that I should. They asked whether I would take the vaccine in the future, and I responded that if through prayer and revelation, God tells me it is the right thing to do, then I would have to obey, but that until then, it violates my sincerely held religious beliefs.

22. On November 19, 2021, the DOI denied my request in an email that stated the following:

After a review of your request, including an interactive discussion with you on October 28, 2021 and a review of any supporting information you provided, your request for an accommodation has been denied because it is not based on a sincerely held religious, moral, or ethical belief.

23. A true and correct copy of the denial is attached as Exhibit B.

24. The same letter stated that I had the opportunity to appeal my denial by either appealing to a central City panel or by appealing to Scheinman Arbitration and Mediation Services (“SAMS”).

25. The letter stated that under the SAMS method, “there is a narrowly defined basis for

exemptions.”

26. Upon information and belief, under the SAMS procedure, appeals based on religious exemptions are only granted if they are supported by a letter from a religious official, the applicant is not a member of a religious organization in which the leader has spoken publicly in favor of the vaccine, and the applicant is a member of a recognized and established religious organization (e.g. Christian Scientists).
27. In *Keil v. City of New York*, 21-2711 (2d Cir. 2021) and *Kane v. di Blasio*, 21-2678 (2d Cir. 2021), the City of New York admitted and the Second Circuit Court of Appeals held that the standards used in the SAMs procedures are unconstitutional.
28. The denial letter also stated that one condition of choosing the SAMs route was to waive my right to seek an accommodation through any other legal means or process or to bring a legal challenge to the process or the denial of an accommodation request, except an Article 75 appeal.
29. On November 24, 2021, I submitted an appeal letter to the New York City Appeal Panel. I also submitted a letter from my attorney, Christina Martinez.
30. A true and correct copy of my appeal submission is attached as Exhibit C.
31. On December 20, 2021, the City of New York Reasonable Accommodation Appeals Panel denied my request for a reasonable accommodation, but provided no explanation.
32. A true and correct copy of this denial is attached as Exhibit D.
33. On December 31, 2021, I submitted a Complaint of Discrimination, as well as a letter from my attorney, with the EEO Office.
34. A true and correct copy of this submission is attached as Exhibit E.

35. I am currently on leave without pay (“LWOP”).

36. On January 31, 2022, I received an email from the DOI stating that by February 22, 2022, I have to choose to either extend my LWOP through June 30, 2022 while keeping my health insurance during that time but waiving my right to sue, involuntarily resign while keeping my health insurance until June 30, 2022 but waiving my right to sue, or retire while waiving my right to sue.

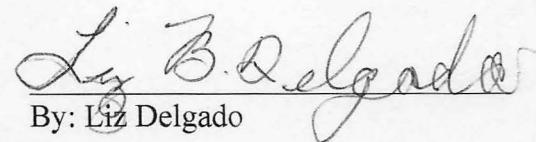
37. A true and correct copy of this email with the waiver attachments is attached as Exhibit F.

38. It is my understanding that if I do not choose any of these options, I will be terminated.

39. I am in great distress, as the DOI has placed immense pressure on me to choose between my faith and my job.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 9, 2022


By: Liz Delgado